GOVERNMENT OF KARNATAKA

SOCIAL WELFARE & LABOUR DEPARTMENT

Labour Dispute.—Industrial dispute between the workmen and the management of M/s. Rodricks Auto Diesel Service, Kadri, Mangalore.

Award of the Presiding Officer, Industrial Tribunal, Bangalore-20—published.

Read the following papers.—

(1) Letter No. IT-998/74-75, dated 14th February 1975 from Sri M. C. Konnur, Presiding Officer, Industrial Tribunal, Bangalore-20.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated 18th February 1975

Present :

Sri M. C. Konnur, LL.B. *Presiding Officer*

I.D. No. 34 of 1972

I Party.—

Workmen represented by the President, Motor and General Mazdoor Sangh, Felix Pai Bazaar, Mangalore-1.

Vs.

II Party.—

The Management of M/s. Rodricks Auto Diesel Service, Kadri, Mangalore.

Appearances

For the I Party.—None present.

For the II Party.—Sri G. K. Shevgoor, Advocate, Mangalore.

Reference

Government Order No. FCL 836 LLD 72, dated 19th September 1972.

AWARD

The State Government being of opinion that an industrial dispute existed between the workmen and the Management of M/s. Rodricks Auto Diesel Services, Mangalore, referred the dispute by their Order No. FCL 836 LLD 72, dated 19th September 1972 under Section 10 (1) (d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication on the following points :—

1. Are the workmen of M/s. Rodricks Auto Diesel Service, Kadri, Mangalore, justified in demanding the introduction of pay scales to different categories of workmen as shown below :

1. Helpers, Watchman, Cleaners and Attenders Rs. 105—5—130.

2. Assistants and Store Keepers Rs. 130—7½—160—10—210.

3. Fitters and Blacksmiths Rs. 175—10—225—15—300.

4. Welders, Painters, Turners, Electricians Rs. 160—10—210—15—285.

While fitting the present workers in the above new scales, weightage should be given to them based on their length of service.

2. If not, are they entitled to any other relief ?

2. The workmen represented by the President, Motor and General Mazdoor Sangh hereinafter referred to as the I Party filed their claim statement. It is alleged that the II Party is a renowned Automobile Repair Workshop employing about 60 workmen and that there is no regular scale of pay for the employees though annual increments were being given by the Management and that the present salaries of the I Party-workmen were far below the starting salaries and pay scales recommended by the Engineering Wage Board which have been accepted

by the State Government. It is stated that the scales of pay demanded by the I Party start with a lesser minimum than those recommended by the Wage Board. The I Party has proposed four groups for the existing categories of workmen, the 1st group consisting of Helpers, Watchmen, Cleaners and Attenders classified as unskilled workmen, the second group consisting of Assistants and Storekeepers classified as semi-skilled, the third group consisting of Fitters and Blacksmiths and the fourth group consisting of Welders, Painters, Turners and Electricians classified as skilled workmen in the pay scales mentioned above in the Order of Reference. It is also stated that weightage should be given while fixing the salary of each workman in the scales considering the length of service. It is also alleged that the II Party is a flourishing Workshop and has financial capacity.

3. The Management referred to hereinafter as II Party filed its Counter Statement contending, in the first instance, that the Motor and General Mazdoor Sangh is not entitled to represent the workmen of the II Party-Management and as such the reference is bad in law and is liable to be rejected. It is contended that the II Party is giving handsome salaries to its staff and paying annual increments though there is no regular scale of pay introduced to its workmen, and that the existing wages paid in similar establishments in the same industry in South Kanara District are much below the wages paid by the II Party and that there are no pay scales in eixstence even in such larger establishments in the District. It is also contended that the II Party is making small profits and as the wage bill is comparatively very high, it is not possible to bear any more financial burden by introducing any pay scales. It is submitted that the II Party is not an engineering establishment within the purview of the Engineering Wage Board. It is an Automobile Repair Shop within the purview of the Minimum Wages Commttee for Automobile Engineering Industry set up by the Government. This Committee has not so far made its

recommendations to the Government. The groupings of various categories of workmen suggested by the I Party are not feasible and practicable for reasons explained and it is pointed out in their Counter statement, that the grouping of Welders, Blacksmith, Fitters, Painters, Turners and Electricians in one group is not proper. It is also pointed out that the period suggested for promotion is too short and that the workmen cannot be promoted and it is not possible to promote the workmen on the basis of length of their service and the question of giving weightage does not arise while fixing them into groups suggested by the I Party.

4. The issue framed as arising out of the pleadings is whether the I Party-workmen are entitled to pay scales and weightage as claimed by them in view of the contentions raised by the II Party.

5. When the matter came up for evidence at Mangalore Camp, adjournments were sought and finally the President of the I Party Sangha, who represented the I Party-Sangha, submitted that he had retired from the case and that he had informed the I Party also. The II Party then examined one witness (MW-1) and closed its side.

7. MW-1 is the Manager of the II Party and he has stated that there are about 65 workmen in their concern. He has stated that there are many other similar concerns, where more than 100 workers are employed, having better financial capacity. It is also stated that their concern is situated away from the city. It is stated by him that no pay scales are introduced in any of the similar concerns in this district. He has given the wages actually paid to the various categories of workers in their establishment and it is also stated that their workers cannot have any grievances either as regards pay scales or as regards any other thing, and that, in fact, they have been paying their workmen more than what they have demanded and that the increments were being paid according to their efficiency, regularity and conduct.

8. As pointed out, it was contended, in the first instance, by the II Party in their Counter Statement that the Motor and General Mazdooor Sangha is not entitled to represent the workmen of the II Party and it was not admitted that the majority or any substantial number of workmen of the II Party were members of the Sangha. MW-1 stated that the I Party-Sangha does not represent the majority of the workers or even a substantial number. He stated that according to him none of their workmen are members of the I Party-Sangha. In view of this contention taken by the II Party, it is upto the I Party to show that the I Party-Sangha was entitled to represent the workmen of the II Party. It is to be noted that Sri Prabhakar Ghate, as the President of the I Party-Sangha had authorised one Sri Mahabala Bhat who appeared in this case. When the matter came up for evidence, it was represented that Sri Mahabala Bhat had ceased to hold the office, and adjournment was sought. Further adjournment was sought on the ground that Sri Prabhakar Ghate was out of station. Finally, it is Sri Prabhakar Ghate, who, as the President of the I Party-Sangha had filed the claim statement, submitted that he was retiring from the case and that he had informed the I Party-Sangha. It was not submitted by Sri Prabhakar Ghate that he no longer holds the post of the President of the I Party-Sangha. In the circumstances, it is difficult to reconcile the submission and the obvious inference is that the I Party-Sangha is not in a position to represent the workmen of the II Party and the contention that the I Party-Sangha is not entitled to represent the workmen of the II Party has to be upheld.

9. In the result, the claim is rejected. No order as to costs.

(Dictated to the Stenographer, transcribed by him and corrected by me).

M. C. KONNUR,
Presiding Officer,
Industrial Tribunal, Bangalore.

ORDER

No. SWL 63 LLA 75, Bangalore, dated the 10th March 1975

S.O. 961.—

Whereas by State Government Order No. FCL 836 LLD 72, dated 19th September 1972 the industrial dispute between the workmen and the management of M/s. Rodricks Auto Diesel Service, Kadri, Mangalore, was referred to the Industrial Tribunal, Bangalore, for adjudication.

And whereas the Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said industrial dispute.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secy. to Govt., S.W. and Labour Department.